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The Honorable Mary Alice Theiler

JUL 27 2018

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN SCOTT TA,

Defendant.

CASE NO.

**MJ18-340**

COMPLAINT for VIOLATIONS

18 U.S.C. § 922(g)(1)

21 U.S.C. § 841(b)(1)(C)

BEFORE the Honorable Judge, United States Magistrate Judge, United States  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**Count 1**

**(Felon in Possession of a Firearm)**

On or about June 21, 2018, in King County, within the Western District of  
Washington, KEVIN SCOTT TA, having been convicted of the following crime  
punishable by imprisonment for a term exceeding one year, to wit:

*Robbery in the First Degree*, under cause number 12-1-04954-4, in King  
County Superior Court, Washington, on or about January 24, 2013;

did knowingly possess, in and affecting interstate and foreign commerce, the following  
firearm, to wit: one LWRC International, Model M6IC, 5.56 mm caliber, AR type rifle,

1 bearing serial number: 24- 25309 which had been shipped and transported in interstate  
2 and foreign commerce.

3 All in violation of Title 18, United States Code, Section 922(g)(1).

4 **Count 2**

5 **(Possession of Controlled Substances with Intent to Distribute)**

6 On or about June 21, 2018, in King County, within the Western District of  
7 Washington, KEVIN SCOTT TA did knowingly and intentionally possess controlled  
8 substances with intent to distribute, that is, methamphetamine, heroin, and fentanyl,  
9 which are substances controlled under Title 21, United States Code, Section 812.

10 All in violation of Title 21, United States Code, Sections 841(a)(1) and  
11 841(b)(1)(C).

12 **The undersigned complainant, Nathaniel Merritt, being duly sworn states:**

13 1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms  
14 and Explosives (ATF). I am assigned to the Seattle, Washington, Field Office. I have  
15 been an ATF Special Agent since July 27, 2014. I am responsible for investigating and  
16 enforcing violations of federal firearms laws. I graduated from the Criminal Investigator  
17 Training Program and the ATF Special Agent Basic Training Program, which are both  
18 located at the Federal Law Enforcement Training Center in Glynco, Georgia.

19 2. This affidavit is made based upon my personal knowledge, training,  
20 experience and investigation, as well as upon information provided to me and my review  
21 of reports prepared by other law enforcement personnel. The information outlined below  
22 is provided for the limited purpose of establishing probable cause and does not contain all  
23 details or all facts of which I am aware relating to this investigation.

24 **SUMMARY OF PROBABLE CAUSE**

25 **A. Overdose on May 6, 2018 and Recovery of Firearms and Controlled**  
26 **Substances During a Search Warrant on June 21, 2018.**

27 3. On May 6, 2018, the King County Sheriff's Office responded to two  
28 separate overdose calls at the Alturas Apartments located at 1217 SW 139 ST #24-292.

Complaint: KEVIN SCOTT TA- 2

UNITED STATES ATTORNEY  
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1 The calls came about eight hours apart from the same apartment. Two brothers both  
2 overdosed on the same bag of Fentanyl. One brother survived and one did not.

3 4. On May 24, 2018, King County Sheriff's Office Detective Scott Fitchett  
4 began his investigation. In an interview with the decedent's mother, T.M., she said that  
5 she was present during both overdoses and agreed to provide a statement. During that  
6 conversation, T.M. told Detective Fitchett that she accessed her son's phone and found  
7 messages between her deceased son and KEVIN TA that discussed TA selling controlled  
8 substances to her son. The text message timeline was consistent with the overdose and  
9 established a dealer/customer relationship between TA and T.M.'s son. She provided a  
10 consent search of the phone messages and allowed detectives to capture screen shots of  
11 the conversation between T.M., T.M.'s son, and TA, which were later submitted into  
12 evidence.

13 5. On May 25, 2018, the decedent's brother, D.M. agreed to be interviewed  
14 and provided a recorded audio statement that detailed his overdose and the overdose  
15 death of his brother. During that conversation, D.M., stated that the drugs he and his  
16 brother overdosed on were supplied by KEVIN TA.

17 6. Between December 2017 and June 2018, the Bellevue Police Department  
18 conducted three controlled purchases of a controlled substances from KEVIN TA.  
19 Detective Fitchett was present for two of the controlled purchases. On June 15, 2018,  
20 Detective Fitchett applied for and was granted a Search Warrant for the person of KEVIN  
21 TA and his residence.

22 7. On June 21, 2018, a search warrant was served on KEVIN TA, and his  
23 residence at 121 South 208th Street, in Des Moines, Washington, by the King County  
24 Sheriff's Office. KEVIN TA was taken into custody while sitting in the driver's seat of a  
25 white Audi bearing license plate BIS8300. Another individual, J.T., was detained in the  
26 driveway, and a third individual, M.K., was detained as she exited the residence. Just  
27 prior to his arrest, TA was seen carrying a backpack from the residence to the trunk of the  
28 Audi. When Detective Fitchett arrived on scene, he saw that the trunk of the Audi was

1 open and next to the backpack was a large amount of drug packaging material in the form  
2 of small zip lock baggies.

3 8. During the initial sweep of the residence, the search warrant entry team saw  
4 a rifle and a plate of white powder in the downstairs bedroom (later identified as KEVIN  
5 TA's room). Members of the search warrant team donned safety gear and collected the  
6 white powder. The search warrant team and members of the Washington State Patrol  
7 Crime Laboratory cleared the residence for detectives to search.

8 9. M.K. was advised of her constitutional rights and interviewed by Detective  
9 Fitchett. M.K. stated she does not live at the location, but advised that she had recently  
10 been staying in TA's bedroom, located in the downstairs of the residence. M.K. was  
11 asked whether there was any fentanyl in the house, and she stated she did not think so.  
12 She believed the white powder on the plate was methamphetamine.

13 10. J.T. was detained and advised of his constitutional rights. J.T. was asked  
14 which room KEVIN TA lives in, and he stated that TA lives in the downstairs master  
15 bedroom. When J.T. was told that there were guns found inside of the house, J.T. stated  
16 that they belonged to his business partner. J.T. was asked if he had seen TA with any of  
17 the guns in the house, and J.T. stated yes.

18 11. KEVIN TA was advised of his constitutional rights and interviewed by  
19 Detective Fitchett. TA said that J.T. stays in an upstairs bedroom and that TA lives in the  
20 downstairs bedroom. He further stated that M.K. had only been staying there the last few  
21 days.

22 12. During the execution of the search warrant, detectives located six  
23 handguns, a shotgun, a rifle, two bump stocks, ammunition, body armor, a digital scale,  
24 narcotics packaging, suspected fentanyl, methamphetamine and heroin. Almost all of the  
25 drugs and firearms were recovered from TA's bedroom along with documents of  
26 dominion and control in the name of KEVIN TA.

1 13. Detectives found one loaded .40 caliber handgun, a drug ledger, seven cell  
2 phones and approximately .7 grams of methamphetamine in an upstairs bedroom that J.T.  
3 admitted was his. J.T. was arrested by King County Sheriff's Detective Alex Hawley.

4 14. In the closet of TA's bedroom, detectives found:

- 5 i. One loaded LWRC AR type rifle;
- 6 ii. Two bump stocks;
- 7 iii. A loaded rifle magazine;
- 8 iv. Ammunition of various calibers and other firearm  
9 accessories;
- 10 v. A green folder containing various documents in the name of  
11 Kevin TA; and
- 12 vi. Two safes.

13  
14 15. The safes were later found to contain a total of six handguns, and  
15 approximately two ounces of methamphetamine, two ounces of heroin, and one gram of  
16 fentanyl. Due to the fentanyl hazard, deputies were unable to weigh the controlled  
17 substances out of the packaging.

18 16. The suspected methamphetamine, heroin, and fentanyl were tested at the  
19 King County Medical Examiner's Office using the TruNarc machine, and the results  
20 provided a presumptive positive result for each controlled substance.

21 17. KEVIN TA was transported to King County Sheriff's Office Precinct 4 and  
22 again advised of his constitutional rights. He was also advised that the room was audio  
23 and video recorded. TA again waived his rights, acknowledged the recordings, and  
24 agreed to speak with detectives. During that interview, TA admitted that he sold drugs as  
25 his main source of income. He explained the difference between different types of drugs  
26 and confirmed that he sold DMT to the deceased brother referenced above. According to  
27 TA, he sold DMT to the decedent and later was notified that D.M. overdosed on it.  
28 According to TA, when he was notified that there may be fentanyl in the DMT, he used a

1 | fentanyl test strip and tested the DMT. TA stated that the test was negative for fentanyl.  
2 | TA further stated that he knew the decedent to possess fentanyl on multiple occasions in  
3 | his presence. TA said that all of the drugs located during the search warrant belonged to  
4 | him and that he supplied drugs to M.K.. TA also stated the Audi contained heroin.

5 | 18. M.K. was also interviewed at Precinct 4. She too was advised that the room  
6 | was audio and video recorded and was again advised of her constitutional rights. M.K.  
7 | acknowledged the recordings, waived her rights, and agreed to speak with detectives.  
8 | During her interview, M.K. stated that TA was made aware that the DMT contained  
9 | fentanyl, after selling it to the decedent. TA then used fentanyl test strips (found in the  
10 | residence) and tested the DMT. M.K. stated that the test actually showed positive for the  
11 | presence of fentanyl. She said that TA then notified the decedent that the DMT contained  
12 | fentanyl and also notified anyone else to whom he sold DMT.

13 | 19. On June 28, 2018, Detective Keene executed a search warrant on the Audi  
14 | bearing license plate BIS8300. He recovered two additional handguns from the trunk of  
15 | that vehicle.

16 | **B. Interstate Nexus Examination of Firearms Located in Search Warrant.**

17 | 20. On or about July 26, 2018, ATF SA Nate Merritt obtained photographs of  
18 | the LWRC International, Model M6IC, 5.56 mm caliber, AR type rifle, bearing serial  
19 | number: 24- 25309, recovered from TA's closet. SA Merritt presented those photos to  
20 | ATF SA Catherine Cole, who has received specialized training in the recognition and  
21 | identification of firearms and ammunition and their place of manufacture. Based on her  
22 | knowledge and experience as a certified Interstate Nexus Expert, SA Cole determined  
23 | that it is a firearm according to 18 U.S.C. § 921(a)(3), and that it was not manufactured in  
24 | the state of Washington. As a result, the firearm must have traveled in, and thereby  
25 | affected, interstate or foreign commerce in order to be received or possessed in the state  
26 | of Washington. Interstate nexus examination of the eight handguns and shotgun is  
27 | pending.

1 C. TA's Criminal History.

2 21. According to documents filed in King County Superior Court, Washington,  
3 TA has been convicted of the following crime punishable by imprisonment for a term  
4 exceeding one year:

5 *Robbery in the First Degree*, under cause number 12-1-04954-4,  
6 in King County Superior Court, Washington, on or about January  
7 24, 2013;

8 This crime is a felony under Washington law, punishable by a term of imprisonment  
9 exceeding one year.

10 CONCLUSION

11 22. Based on the foregoing, I submit that there is probable cause to believe that  
12 KEVIN SCOTT TA committed the crime of *Felon in Possession of a Firearm*, in  
13 violation of Title 18, United States Code, Section 922(g)(1), and *Possession of*  
14 *Controlled Substances with Intent to Distribute*, in violation of Title 21, United States  
15 Code, Section 841(a)(1) and 841(b)(1)(C).

16   
17 \_\_\_\_\_  
18 NATHANIEL MERRITT, Complainant  
19 Special Agent, ATF

20 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
21 presence, the Court hereby finds that there is probable cause to believe the defendant  
22 committed the offenses set forth in the Complaint.

23 DATED this 27th day of July, 2018.

24   
25 \_\_\_\_\_  
26 HON. MARY ALICE THEILER  
27 United States Magistrate Judge  
28